

## FARMINGTON CITY – CITY COUNCIL MINUTES

FEBRUARY 2, 2021

### WORK SESSION

*Joining via Zoom: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Scott Isaacson, Shawn Beus, Amy Shumway, and Rebecca Wayment; City Recorder Heidi Bouck; Community Development Director Dave Petersen; Planning and GIS Specialist Shannon Hansell; Assistant City Manager/Economic Development Director Brigham Mellor; City Attorney Todd Godfrey; Planning Commission Chairman Alex Leeman; Vice Chairman Rulon Homer; Commissioners Mike Plaizier, Larry Steinhorst, Greg Wall, Erin Christensen, and John David Mortensen; and Recording Secretary Deanne Chaston.*

Mayor **Jim Talbot** called the work session to order at 6:00 p.m.

### TRAINING ON OPEN AND PUBLIC MEETINGS ACT AND ETHICS

A joint City Council and Planning Commission work session was held for the annual Utah Risk Management Agency (URMA) training. **Mayor Talbot** said a good rule of thumb is don't go into a meeting by yourself. Having another set of eyes and ears always helps.

City Attorney **Todd Godfrey** conducted the presentation from the State Auditor's Office.

The Open and Public Meetings Act ensures open government and deliberations. This includes workshops, executive sessions, regular meetings, public hearings, electronic meetings (via phone or internet), and emergency meetings. These do not include chance or social meetings. Public hearings, where the public has a chance to speak, are held when the government considers budgets, or tax or fee increases. The governing body must adopt a resolution, rule or ordinance allowing and governing electronic meetings.

Closed meetings can be held to discuss a person's character, competence or health; security personnel, devices, or systems deployment; collective bargaining or litigation; purchase, sale or lease of property; investigations of criminal misconduct; or private or protected information including trade secrets. Two-thirds of the governing body (or four out of five council members) need to vote to close a meeting. During a closed meeting, a governmental body can't interview someone to fill an elected position or discuss filling a midterm vacancy or temporary absence; consider the character, competency or health of someone being considered to fill a midterm vacancy or temporary absence; or approve a resolution, rule, ordinance, regulation, contract or appointment. No recording or minutes are required if the closed meeting is to discuss a person's character, competence or health; or security personnel, devices, or systems deployment. However, the presiding member must sign a sworn statement. If a closed meeting is held for any other reason, a recording must be made.

An emergency meeting can be held to discuss an urgent matter due to unforeseen circumstances. Notification should be given as best as feasible noting the time, location and subject of the meeting. An attempt should be made to contact all governing body members, and the majority approves the meeting.

Annual notice should be provided of regular governing body meetings, including the annual schedule with date, time and place. For regular meetings, a body is only required to notify a newspaper and doesn't need to pay to publish a notice. For those bodies that don't hold regular meetings, notice should be given 24 hours in advance. All meetings (regular or as-needed) must provide no less than 24 hours' notice of meeting agendas.

If a public hearing is held, public notice requirements change. Public hearings must be distinguished differently from regular meetings. They must be published in at least one issue of a newspaper. If a newspaper of general circulation isn't available, written notice must be posted in at least three public places within the entity's boundaries. Public hearings require seven days' notice.

For both regular meetings and public hearings, notice must be posted at the principle office of the governing body. If no such office exists, then notice must be posted at the building where the meeting will be held. Meetings must also be posted at the public notice website at [publicnotice.utah.gov](http://publicnotice.utah.gov). There, an email for the local newspaper can be included to satisfy the notification requirement. However, other requirements of publishing in a newspaper still apply. If the entity is increasing a fee or undergoing truth in taxation for a property tax increase, there are additional noticing and publishing requirements. It is the governing body's responsibility to ensure public notice is provided.

Agendas must include reasonably specified topics with each topic listed separately on the agenda. A governing body may not consider a topic not specified on an agenda. If a new topic is raised by the public during an open meeting, the governing body may discuss it as long as final action is not taken during that meeting.

Meeting minutes and an audio recording are required for all open meetings. Audio must be unedited and contain all portions of the meeting. Recordings of all open meetings must be made available within three days. Pending minutes are written minutes prepared in draft form and are subject to change before approval by the governing body. Pending minutes must be clearly marked as a draft, with notice that they are pending and subject to change. Pending minutes must be made available within 30 days. Approved minutes are the official record and must be made available within three business days.

Minutes of closed meetings must include the reason or reasons for holding the closed meeting, the location, and the vote of each member of the governing body for or against the motion to hold the closed meeting. Minutes must include the date, time and location of the meeting, the names of the governing body present and absent, and the names of all others present except where disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting. [Resources.auditor.utah.gov](http://Resources.auditor.utah.gov) and [archives.utah.gov](http://archives.utah.gov) have additional information.

**Godfrey** said in his time representing municipalities, there haven't been many revisions to the Act. The emphasis on transparency has changed, and the optics of how a city does business matters. **Godfrey** said that due to the Utah Governor's executive order, the requirements needed to hold an electronic meeting have been suspended due to the declared COVID emergency.

**Mayor Talbot** said it is better to err on the side of more notice than not enough. **Godfrey** said it is best not to compromise a substantive decision with a procedural error.

**Godfrey** shared the issues he has seen lately. He said that even though the ease of communications has increased lately, government officials need to remember that those create records. A phone or computer doesn't have to be city-issued to be a record-creator in the public domain when used to communicate with Staff, residents, Councilmembers and Commissioners. These records can be found, reviewed, and made available to the public. This is part of being a public official and public employee. Records involving communication with an attorney are protected by the client-attorney privilege. He encouraged Councilmembers and Commissioners to use their city-issued email address as much as possible, and to avoid using private email for city business. He doesn't want to have to jump into private email accounts for communications that can be made available to the public. It is an uncomfortable circumstance to go through personal computers.

He said Council and Commission members should not email or text each other during meetings, as it is bad form and a subversion of Utah Public Open Meetings Act. City Manager **Shane Pace** said that includes City Staff texting Council members. If there are email discussions where all Councilmembers are on the chain, **Godfrey** said it likely should instead be a discussion in an open meeting. However, one-to-one emails do have their place. Councilman **Scott Isaacson** said he moves all emails from his private address to his City Council email instead. Councilman **Brett Anderson** said he forwards emails regarding Council business to his City email and then deletes them from his work email. **Godfrey** said they should be careful forwarding a personal email received in a City email account home to a personal account. He would rather that the email be printed out and carried physically home.

**Mayor Talbot** said he gets up to 20 unsolicited emails each day from those trying to do business with or market to the City. **Pace** gets similar daily emails. They asked if this could be curbed. **Godfrey** said that the law enacted six to seven years ago that requires cities to post an email address for each elected officials unfortunately has this "dark side" to it.

Another issue that concerns **Godfrey** is that discussions that happen in a closed session are a private record, not to be discussed openly outside that meeting. Those communications must be protected. They are closed to protect people and their reputations, and to protect the City during litigation or spending public money in an economic way. Those discussions are not to be paraded publicly.

**Godfrey** said Utah is a disclosure state, so government officials should disclose their conflict of interest, then step away from the matter and not participate. A perceived conflict can be cured by disclosure. Government officials should not use their office for personal benefit; accept money for their assistance in transactions; participate in business regulated by the City; participate in a business doing business with the City; make investments creating a conflict of interest; or induce a violation of the Ethics Act. Penalties include being charged with a criminal act (a misdemeanor with reference to bribery) resulting in automatic dismissal/removal from office, and the rescinding of transactions, with the City keeping the benefit. Government

officials must disclose and not improperly use private, controlled or protected information to further economic interest; or to secure special privileges/exceptions for himself or others. Government officials must not knowingly receive, take, seek or solicit a gift of substantial value or substantial economic benefit tantamount to a gift that would tend to influence to depart from faithful and impartial discharge of duties; or knows or should know that gift is primarily a reward for official action. Exceptions to personal benefit include: occasional non-pecuniary gifts under \$50; an award presented for public service; a bona fide loan; and political campaign contributions. **Godfrey** said even accepting Jazz tickets can put public officials in a scary place. He recommended never taking a gift on a developer's dime, and never accepting a gift in exchange for a vote, benefit or favor. If the City offers their employees a gift based on performance, such as a Christmas gift, that is different.

Officers/employees should have a disclosure statement on file each year with the City that includes name and address of employee; name and address of person being assisted/substantial interest; and description of transaction and nature of service to be performed. Even if the official has nothing to disclose, they should still turn in a disclosure statement each year indicating the lack of conflicts.

The public can directly report perceived offenses to the Utah Political Subdivisions Ethics Commission, created in 2012 to investigate such claims. These things used to be reported to and investigated by the City, which has a natural instinct to protect its own, **Godfrey** said. That course of action is not available any more.

**Erin Christensen**, a new Planning Commission member, said she recently recused herself from a meeting because she had a conflict of interest related to the participants being family members of hers. However, she didn't publicly state what the conflict was. She asked **Godfrey** if she should have stated what the conflict was. He replied that being appointed to a public office means that different rules of defamation and disclosure now apply, and she should have stated the reason for the conflict, if only to help ensure the public trust.

He said that ethics violations at the municipal level are very rare and when they happen, they are jaw dropping. Upon investigation, it is usually discovered that someone else knew it was going on and didn't say anything, which only allowed the problem to get worse. It is better to report ethics violations in their early stages.

**Godfrey** said that pillow talk is a huge source of concerning issues. This means a public official or officer mentioning confidential City information to spouses, children, neighbors and people they otherwise trust. While there is no intention to violate ethics, it is a problem he sees all the time. It is disappointment but understandable. He also cautioned City officials to be cautious about when to hold closed sessions, and not hold them merely for convenience.

Regarding public meetings being held entirely electronically during the pandemic, **Godfrey** said he doesn't predict that they will stay that way for members of the governing body. However, he does foresee that public meetings may continue to be accessible electronically for members of the public. He looks forward to the time where Councilmembers can get together physically with Staff and Administration, as there is an advantage to openly debating and discussing things

in person that could be compromised over time. He expects a move back to in-person public meetings.

**Godfrey** encouraged those present to contact his office if they have any questions about open meetings and ethics. His four law partners are all lead counsel for municipalities, so all are qualified to help answer simple questions in the case of an emergency. However, if time allows, he prefers they email **Pace** or Community Development Director **Petersen** before calling him.

## **REGULAR SESSION**

*Joining via Zoom: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Scott Isaacson, Shawn Beus, Amy Shumway, and Rebecca Wayment; City Recorder Heidi Bouck; Development Director Dave Petersen; Planning and GIS Specialist Shannon Hansell; Assistant City Manager/Economic Development Director Brigham Mellor; Attorney Todd Godfrey; City Parks and Recreation Director Neil Miller; Police Chief Wayne Hansen; and Recording Secretary Deanne Chaston.*

### **CALL TO ORDER:**

Mayor **Jim Talbot** called the meeting to order at 7:02 p.m. The meeting was held electronically over Zoom.

### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

Councilwoman **Amy Shumway** offered the invocation, and the Pledge of Allegiance was led by City Councilman **Shawn Beus**.

### **NEW BUSINESS:**

#### **Parks and Recreation New Fees and Adjusted Fees to Consolidated Fee Schedule**

Parks and Recreation Director **Neil Miller** presented this agenda item. He said requests are coming in to reserve and use the new fourplex and individual baseball fields. **Mayor Talbot** said he has likewise had a lot of people expressing interest in using the baseball fields. **Miller** said he hopes there will be a grand opening held April 9, 2021.

The fees marked in blue are new fees, and those in red are changing. While the City has always charged a deposit, they are now requiring a percentage of the rental fee to be paid up front to decrease the number of cancellations. There is an increase from \$25 to \$30 an hour for two hours, and then \$10 each additional hour after that, never to exceed \$400. The fees are new for the fourplex, and renting the entire complex will be \$500 for the day. New line items include lights, mounds, and auto pitch machine. If the whole complex is rented for the day, it will require a site supervisor. The fee to move soccer goals has increased from \$25 to \$40. Even if the goals are not taken down, the nets have to be removed each day. For the first time, Farmington is accepting registration of competition baseball teams. The nonresident pickleball fee is increasing from \$5 to \$10, which will bring this in line with other sports. City Manager **Shane Pace** suggested reviewing fee schedules annually along with the budgets.

**Miller** mentioned that the home near Forbush Park has been torn down so the park can be expanded. He hopes to find the \$45,000 necessary to finish off that project including fencing before Festival Days this summer. **Pace** said it needs a sprinkler system installed, as well as electrical posts, so that grass can get established before Festival Days. There will have to be a future budget adjustment along with a public hearing. This will be a retroactive budget adjustment, which is common, City Attorney **Todd Godfrey** said. However, Staff doesn't want to wait to get started on the improvements.

**Mayor Talbot** said there will be an effort to hold Festival Days this summer, although it may take another form compared to those in the past. It can be difficult to social distance during a parade with candy being thrown out. A lot may change before July.

***Motion:***

Councilman **Brett Anderson** moved to bring the new and modified fee schedule back the Council's next scheduled meeting for a public hearing and final resolution approval. These include the new fees for the fourplex, standalone fields, adult softball and youth competition baseball, and adjustments the fees for the soccer fields, field rentals, and pickleball programming.

Councilman **Scott Isaacson** seconded the motion. All Council members voted in favor, as there was no opposing vote.

**PUBLIC HEARINGS:**

**Appeal – Accessory Dwelling Unit (ADU) Conditional Use**

**Mayor Talbot** said this has gone through the Planning Commission and a decision was made. However, because an appeal was made, it has come before the Council today. He advised the Council to focus on what the appeal is about, or nothing other than dealing with the slope of a roof that is involved with this ADU.

City Planner **Shannon Hansell** presented this agenda item. This is an appeal of a January 7, 2021, Planning Commission decision to approve an ADU at 1289 Alice Lane in the Burbridge Estates. The materials on the exterior were proposed to be cohesive with those of the main dwelling, which is siding and stone, not to include stucco. Eight citizens made an appeal to the Council Using Title 11 chapter 28 200 section C4. They claimed the roof elevations would significantly alter the look of the neighborhood and subversively affect the character of the neighborhood.

Since, the applicant has presented the City and subdivision residents with new elevations that includes the roof pitch to be more cohesive with the front of the home. The pitch only covers the part of the ADU where the garage is, not the entire ADU. The rest is a flat roof. The Tudor style is not in accordance with the Planning Commission decision. **Hansell** reminded the Council that the ADU itself is not under consideration tonight, and that the only thing to be considered is the flat roof.

Applicant **Brian Palmer** (1289 Alice Lane, Farmington, Utah) addressed the Council and noted that there are few homes in the neighborhood that don't have stucco. His is one of three that don't have stucco, and he doesn't like stucco anyway. He said the plans originally put forth were very basic and meant to get approval for the ADU. He has no desire to devalue his own home. He would like to satisfy the neighbor's concern of looking as seamless as possible, but still wants a flat roof on the back side. Without the flat roof, the view of the three bedrooms on the third floor would be eliminated. He plans to make a basement under the existing driveway to the south.

**Isaacson** noted that the people who appealed the decision are the applicant's neighbors.

**Mayor Talbot** opened the Public Hearing at 7:39 PM.

**John Bilton** (1163 Alice Lane, Farmington, Utah) lives in one of the other rock houses that was built in the neighborhood in the mid-1990s. He supports the applicant having the ADU on his property. He would like the roof line and street view to match the bar tile roof. He noted that there is another ADU another 50 feet away from this one, and they are not uncommon on the street or in the neighborhood. This has been a sensitive topic as the applicant and neighbors go to church together. He said he is a spokesperson from a neighborhood perspective.

Appealing neighbor **Connie Deianni** (1269 Alice Lane, Farmington, Utah) addressed the Council. She thanked the applicant for wanting to compromise. Her intention is not to have him reapply or pay additional fees. Her concern is that the submitted drawings are schematics and not detailed enough with elevations and easements. She would like to make sure that the dimensions are what they need to be and that the building is within easements. She is not sure how far the parapet will stick out and if it will be in the easement or not. She would also like to know the landscaping plan because there is a slope between her house and the applicant's with a 9 inch drop due to landscaping put in four years ago. She would like to see an architectural drawing instead of just a sketch.

**Rich Deianni** (1269 Alice Lane, Farmington, Utah) also said he appreciated the applicant's flexibility. He likes the new design, as it is more characteristic of the neighborhood, but would like to see more detail on the dimensions.

**Rocky Dustin** (1329 Alice Lane, Farmington, Utah) lives north of the applicant. He said he is glad to see the revised drawing, as it addresses many concerns.

**Mayor Talbot** closed the Public Hearing at 7:50 PM.

**Godfrey** said that if the Council denies the appeal, they are essentially upholding the earlier Planning Commission decision. However, **Isaacson** noted that since the Planning Commission decision, the applicant has changed their application. **Godfrey** replied that if the applicant changed what the Planning Commission approved, then the Council doesn't have it in their jurisdiction to make a decision on something the Commission has never seen. The Council may want to consider sending it back to the Planning Commission.

Councilwoman **Rebecca Wayment** asked if the Council sends the new renderings back to the Planning Commission, or approve the appeal from the neighbors along with what the applicant said he will do. She is not sure where the Council needs to jump in. **Godfrey** said he was not sure if the Commission has passed on the revised roof or not, and he would question if the new rough sketches were sufficient for the Commission to pass the proposal. He supposes that the Planning Commission would want more details.

Development Director **Dave Petersen** said according to the ordinance, the Council may modify the order the appeal came from. The appeal was only regarding the flat roof. He thinks the Council has the authority to go with the flat roof, or the roof that is pitched at the front, without



having to send it back to the Planning Commission. **Godfrey** asked if there is enough information for the Council to make that decision. **Petersen** said the applicant showed the sketches because he doesn't want to pay to get detailed sketches without an approval. **Petersen** said that the Building Department will handle the applicant's future building permit application, which includes a detailed site plan and full architectural drawings.

**Shumway** said if the Council denies the appeal, then the applicant is welcome to do the flat roof. She would rather have the pitched roof. **Petersen** said the Council can deny the appeal but take it one step further by modifying. **Isaacson** said the neighbors are asking the Council to deny the ADU application. However, everyone seems O.K. with putting the ADU in if it meets all the technical requirements subject to the roof line. He thinks the Council needs to deny the appeal so the applicant doesn't need to start over, but subject to the roof line being changed as presented today, noting that all normal requirements for the building need to be satisfied. **Shumway** said she thought the ADU was approved, and that the appeal was just the roofline. **Godfrey** said the Council could deny the appeal and specify that they approve the pitched roof. **Shumway** asked if the Conditional Use Permit (CUP) would require a landscape plan, and if that is something that can be reviewed by Staff. **Mayor Talbot** asked if the Council can deny the appeal, reference the roof, and leave it to Staff discretion to make sure all is carried out. **Petersen** said for single family homes or two units, the Staff doesn't look at landscaping. **Anderson** said that it is a less bumpy road if the appeal is denied.

#### ***Motion:***

**Anderson** moved that the City Council deny the appeal subject to the inclusion of the redrawn roof designs, consistent with the drawings presented to the City Council today, to be approved by Staff along with all applicable ordinances that would govern this construction project.

**Wayment** seconded the motion. All Council members voted in favor, as there was no opposing vote.

**Mayor Talbot** advised the applicant to get with Staff to follow their recommendations.

#### **OLD BUSINESS:**

##### **Farmington Station Parkway Townhomes Road and Box Culvert Agreement**

**Petersen** presented this agenda item. The applicant was prepared to improve Cook Lane, but the Army Corps of Engineers recently said no. Part of the applicant's approval to get 50 units on a dead-end street was subject to extending Cook Lane to the edge of the property. After the Army Corps of Engineers decision, it was discussed to provide a cash deposit instead while getting an idea of what the wetlands in the area are like. However, today new information came in that **Todd Jones** has a delineation. Staff and the Development Review Committee (DRC) sent over the delineation, and **Petersen** would like to present that to the Army Corps of Engineers. The developer is willing to wait on the Corps' judgement, which could come before the Council's next meeting on February 16, 2021. **Petersen** said the only other alternative is waiting four to five years. **Pace** said if the Corps accepts the new delineation, this item won't come forward on a future agenda, as it will remain a requirement for Brighton Homes to put the road in.

***Motion:***

**Isaacson** moved that the City Council table the application for the agreement for the Cook Lane Shepard Creek crossing.

**Beus** seconded the motion. All Council members voted in favor, as there was no opposing vote.

**SUMMARY ACTION:**

**Minute Motion Approving Summary Action List**

The Council considered the Summary Action List including the \$492,233.30 bond estimate for the Improvement Agreement (Escrow Deposit Form) between Ivory Development and Farmington City for Flatrock Estates.

***Motion:***

**Shumway** moved to approve the Summary Action list items.

**Wayment** seconded the motion. All Council members voted in favor, as there was no opposing vote.

**GOVERNING BODY REPORTS:**

**Mayor Talbot and City Council Reports**

**Wayment** asked **Miller** about extended hours for the gym, as she would like it open later in the evenings. **Miller** said he is keeping it open as late as possible considering getting people in and out for Junior Jazz. The cleaning process has been tough, but he hopes to have it open more in the next two to four weeks. **Pace** said the City is under the same obligations to social distance and clean as any other business, and for Farmington, it is a staffing issue. **Mayor Talbot** said that everyone's goals are the same: to get back to normality as soon as possible. The Recreation Department has been affected the very most. The number of COVID cases has skyrocketed more than other Davis County cities in the last couple of weeks, although he is not sure why. Things need to be modified for a while longer and verified with the Health Department. Farmington will open to what Staff is comfortable with, and there will be every effort made to get the gym fully opened and staffed as soon as possible.

**Beus** said he had checked out the new signals, signage, and bike crossing signs on the Rail Trail. He said it was fun to have the gates opened, but it was not much faster. He asked that future signage include both bikes and pedestrians, as it is a crossing for both. He asked if **Petersen** and **Shumway** could meet with him soon to discuss affordable housing.

**Anderson** said he was approached by an individual to see if the City or County has an interest in an archery center. There are facilities in both Weber County and Salt Lake County that are a real draw. He said he would get them in touch with **Pace**.

**Mayor Talbot** said there may be an opportunity to make an impact in affordable housing. The area is by the Chevron Station across from City Hall where there are upkeep and tenant type

issues. The units are east of the Chevron where it turns into 200 east. He said it would be nice to get rid of blight and clean up this area of downtown Farmington.

Police Chief **Wayne Hansen** said his Department is there on a regular basis for disorderly conduct and family fights. One resident is a known gang member on probation. The people there cause the Department a lot of business. The owner will have a hard time doing the repairs that will qualify the housing for Section 8. These apartments are in poor shape. The City Police recently responded to a residential burglary there. The burglar accessed the apartment through a window that only had plywood and tape. He just peeled the tape off and entered the apartment. Another call the Department handled was a family fight that got out of control. It involved three children under the age of 5, and lots of drugs were found in the apartment. Friends and visitors were living there are not on the lease. The apartment served as the base operation for theft.

Assistant City Manager/Economic Development Director **Brigham Mellor** said **Jeff Sidwell**, the landowner, owns nine units. Farmington is not the only place **Sidwell** has rental units, and he has had units condemned in other cities. **Sidwell** is not doing maintenance or upkeep on the building, and a lot of the tenants will not qualify for Section 8. From the conversations he has had with police officers, it is clear that this is a location for frequent fliers and a blighted property.

**Mellor** said **Sidwell** doesn't want to do improvements but is willing to let the City rent units as they become available and use their resources to bring the units up to compliance. He doesn't want to kick people out just to do the improvements. This will have to operate on attrition as people leave. **Mellor** said the City has resources that can financially assist with improvements. The interest alone that is collecting on the affordable housing dollars set aside in the Redevelopment Agency (RDA) fund is enough to cover the improvements. After the improvements have been made, the units can be rented out for Section 8. **Mellor** said it could take time, as an inspection is needed before hiring a contractor. The improvements themselves could take some time.

This week, **Sidwell** had two units become available. A third just became available. He is willing to rent them to the City for \$700 a month per unit. The City would be his renters so he is not losing income, yet the units remain vacant for the City to proceed with the improvements. The City would only be the renters until the units are in the rental pool with new renters. Davis Housing Authority loves the idea. **Mellor** said it would be best to do this a building at a time, not a unit at a time.

If the City does the improvements, there would be two major stipulations on the owner. He has to leave the units in the Section 8 affordable housing pool for 20 years. The second stipulation is that the City gets the first right of refusal on the property. If **Sidwell** sells, the City wants control of buying it without having to deal with similar land owners. There are developers who would be happy to redevelop that site.

Staff would like to know if the Council supports this idea. The City has resources to get into a rental agreement with **Sidwell** and then discover the cost of the repairs. By March the City could

set the terms of the agreement after due diligence uncovers if it is worth it. **Mellor** said this is a way to clean up the development and maintain that they stay affordable units for quite a while.

**Godfrey** said the City would need to get indemnification for the subcontractors' work. **Petersen** said renting three units for one month would equate to spending \$2,100 for the City to see if it is worth it after getting estimates. **Pace** said Staff needs to know if the Council is O.K. with this tonight in order to move forward. He is worried that the City may be encouraging a slum lord not to do improvement because the City will step in to do it instead. It is worth it to change the type of clientele that is there.

**Anderson** said cleaning up a trouble spot is enough to tip the scales and make it worth it for him. **Wayment** said it is one thing to commit to go in and change the units over. It is still **Sidwell's** property. Will he want to have the City keep coming in and doing upkeep? There is a line between the City's project and his land. **Pace** said that would be detailed in the agreement, as there would be an annual inspection and the property owner would be responsible to maintain it on his own dime. He said the City would require the landowner to create a repair account that he can access so he has no excuse to not maintain and upkeep the units in the future.

**Mellor** said in the end, **Sidwell** will be able to charge \$500 more a month per unit. The landowner will get a taste of doubling his income. **Beus** said he is interested in pursuing this, and the devil will be in the details of the rental agreement. He is interested in a profit sharing provision, with some profit going back to the RDA. That way the landowner doesn't get both the capital improvements and the increase in profits. Should he get the improvements from the equity, the cash flow, or both?

**Petersen** said the City would not be creating any additional affordable housing by doing this, as this housing is already affordable. They would instead be cleaning up blight, something the citizens would applaud. **Isaacson** said that while it may not add to the affordable housing options in the City, it would bank affordable housing for the next 20 years. This is affordable housing that the City could lose if someone tore it out. **Shumway** said she appreciates the Staff's creativity in looking at this issue. The five Council members each gave a thumbs up to Staff proceeding with the due diligence until their next Council meeting.

## CLOSED SESSION

*Joining via Zoom: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Scott Isaacson, Shawn Beus, Amy Shumway, and Rebecca Wayment; City Recorder Heidi Bouck; Development Director Dave Petersen; Planning and GIS Specialist Shannon Hansell; Assistant City Manager/Economic Development Director Brigham Mellor; Attorney Todd Godfrey; City Parks and Recreation Director Neil Miller; Police Chief Wayne Hansen; and Recording Secretary Deanne Chaston.*

### ***Motion:***

Councilman **Shawn Beus** made the motion to go into a closed meeting for the purpose of property acquisition. Councilwoman **Amy Shumway** seconded the motion, which was unanimously approved.

### **Sworn Statement**

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the council was so convened in a closed meeting.

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**Jim Talbot**, Mayor

### ***Motion:***

Councilman **Scott Isaacson** made a motion to reconvene to an open meeting. The motion was seconded by Councilwoman **Rebecca Wayment**, which was unanimously approved.

## ADJOURNMENT

### ***Motion:***

Councilman **Scott Anderson** made a motion to adjourn the meeting. **Shumway** seconded the motion, which was unanimously approved.

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**Heidi Bouck**, Recorder